



Legislation Text

File #: 12-0755, **Version:** 1

Resolution to Approve a Professional Legal Services Agreement with Funkhouser and Nassif, P.L.L.C., D/B/A Model Cities Legal Services, Inc. to Provide Legal Representation as Court-Appointed Counsel to Indigent Defendants (\$180,000.00)

The 15th Judicial District Court is required by law to appoint attorneys to represent indigent defendants when potential sanctions (including sanctions for violations of court orders) upon conviction may include incarceration.

Funkhouser and Nassif, P.L.L.C., dba Model Cities Legal Services, Inc. ("MCLS) currently provides these services at a rate that is less than the prevailing local rate for criminal defense counsel services and has provided these services to the Court for many years.

The Court requests that the Ann Arbor City Council approve a professional legal services agreement with MCLS to provide legal representation to indigent persons charged with misdemeanor offenses in the 15th Judicial District Court. The proposed agreement provides for payment to MCLS for legal representation in a total amount not to exceed One Hundred Eighty Thousand Dollars (\$180,000.00) for FY 2012/2013.

The Court has budgeted funds for this purpose in the amount of One Hundred Eighty Thousand Dollars (\$180,000).

Human Rights and Living Wage approval was received on May 15, 2012.

Prepared by: Keith Zeisloft, Court Administrator 15th Judicial District Court

Reviewed by: Keith Zeisloft, Court Administrator 15th Judicial District Court

Approved by: Steven D. Powers, City Administrator

Whereas, Persons charged with misdemeanor violations for which incarceration may be imposed are entitled to legal representation;

Whereas, Persons who are determined by the 15th Judicial District Court to be indigent have the right to have counsel appointed by the Court to represent them at public expense;

Whereas, The City of Ann Arbor is obligated by law to fund 15th Judicial District Court operations;

Whereas, Funds for Court-appointed counsel for indigent persons have been approved in the 15th Judicial District Court's FY 2011/2012 Budget in the amount of \$180,000.00;

Whereas, Pursuant to Michigan Court Rule 8.110(C), the Chief Judge is the chief administrative official in the District Court and is responsible for oversight of the appointment of counsel for indigent defendants;

Whereas, The 15th Judicial District Court frequently appoints Model Cities Legal Services, Inc. attorneys to represent indigent defendants based on their proven abilities, demonstrated knowledge

and sensitivity in performing this work;

Whereas, The cost for Court-appointed legal representation by Model Cities Legal Services, Inc. is less than the prevailing rate for private legal representation in such matters; and

Whereas, Living Wage and Human Rights approval was granted by the City Human Resources Department on May 15, 2012;

RESOLVED, That City Council approve a professional legal services agreement with Funkhouser and Nassif, P.L.L.C., dba Model Cities Legal Services, Inc. to provide Court-appointed counsel for indigent defendants appearing in the 15th Judicial District Court, in an amount not to exceed \$180,000 for FY 2012/2013, and

RESOLVED, That the Mayor and City Clerk be authorized to sign the agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney.